

FILED
 U.S. DISTRICT COURT
 EASTERN DISTRICT ARKANSAS

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT **MAY 22 2012**
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF ARKANSAS
 DIVISION

CASE NO. 1:12cv00046 JDM/JJY

JAMES W. McCORMACK CLERK
 By: JW
 DEP CLERK

Jury Trial: Yes No
 (Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

Name of plaintiff: Dwight C. Hopson
 ADC # 148467

Address: 300 Correction Drive, Newport, AR 72112

Name of plaintiff: _____
 ADC # _____

Address: _____

This case assigned to District Judge

Name of plaintiff: _____ to Magistrate Judge _____
 ADC # _____

Marshall
Olpe

Address: _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Preston Glenn

Position: Sheriff

Place of employment: Pike County

Address: 300 Industrial Park Drive, Murfreesboro, AR 71958

Name of defendant: Melvin Nance

Position: Doctor

Place of employment: Grimes Units

Address: 300 Correction Drive, Newport, AR 72112

Name of defendant: Wendy Kelly

Position: Deputy Director of health Programs

Place of employment: Grimes Unit

Address: 300 Correction Drive, Newport, AR 72112

Name of defendant: John Maples

Position: Warden

Place of employment: Grimes Unit

Address: 300 Correction Drive, Newport, AR 72112

II. Are you suing the defendants in:

- official capacity only
- personal capacity only
- both official and personal capacity

III. Previous lawsuits

A Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No ✓

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

- Court (if federal court, name the district; if state court, name the county):

-
- Docket Number: _____
- Name of judge to whom case was assigned: _____
- Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- Approximate date of filing lawsuit: _____
- Approximate date of disposition: _____

IV. Place of present confinement: Crimes Unit

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

- in jail and still awaiting trial on pending criminal charges
- serving a sentence as a result of a judgment of conviction
- in jail for other reasons (e.g., alleged probation violation, etc.)
explain: _____
-

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes No _____

Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes No _____

If not, why? _____

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

- 1 The court has jurisdiction over the plaintiff's claims of violation of Federal Constitutional Rights under 42 U.S.C. §§ 1331 (1) & 1343. The court has supplemental jurisdiction over the plaintiff, namely, Dwight C. Hopson is a born citizen of the United States as well as the State of Arkansas.
- 2 I am currently an inmate within the Arkansas Department of Correction (A.D.C.) at the Grimes Unit at 300 Correction Drive, Newport, AR 72112. State Law tort claims of negligence under 28 U.S.C. § 1337. At all times relevant & mentioned to herein. Corizon, Inc. (FKA)
- 3 Correction Medical Services). Medical Care Provider, is the Medical Care provider. Contracted to provide quality medical care to all inmates at. Within the Arkansas Department of Correction. The defendant "Dottie Yarborough" at all times relevant is the Regional Administrator
- 4 for Corizon. Inc. medical provider for the A.D.C. with the knowledge. Tacit Authorization & oversees of all Corizon Inc. medical employees, agents, actors, representatives

at all ADC Units offices at P.O. Box 8707, Pine Bluff, AR 71611. The defendant, Dr. Melvin Nance.

5 medical doctor. At all times relevant, is the medical doctor at the Grimes Unit & is responsible for the medical care of inmates, including the plaintiff.

Corizon, Inc., Dottie Yarbrough, Dr. Nance are medical care providers at the A.D.C. Units, who had

6 committed either actually, directly, or indirectly in deliberately causing physical injury & medical harm by "not" providing needed & adequate medical care such resulting in both "Deliberate Indifference" & "Cruel & Unusual Punishment". All defendants

7 Sheriff Preston Glengoff Pike County, Warden Page at the time was active of this incident, Warden Guy, Maples, Gana, Billy Cowell HSA, Wendy Kelly Deputy Director, Dan Burst Vice President of Operations, Ray Hobbs Director & Betty Hutchinson APN. All

8 defendant above have acted & continued to act under Color of State. And is being sued in their individual & official capacities. First of all, I'm not doing this out of retaliation, it's done for the injustice I

I have received with the lack of treatment & professional

9 health care for the 22 months, I was incarcerated. Might I add that my work restriction was caused due to my eye sight, not the fact APN. Hutchinson stated that

I had bone deterioration in my right shoulder, which

Grimes Unit Infirmary did nothing to help that or the lower back spasms I had since 2004, 14 inch

pins in my left hip, blood clot in my right leg, that has developed soars, since I was under Sheriff Preston Glenn at Pike County / ADC holding Facility, wit major nose bleeds. Before I took my time on Sept. 9,

18 2010, I seen my Dr., Joesph L. Parker out of Hope, AR who can prove that my health condition is way better, before I came to Pike County & Grimes Unit, the places that are held accountable for my body not receiving the proper medical attention.

12 An issue at Pike County, is they water had or still has black smudge in their water system pipeline, which when it fills up w/ with filthy black smudge. In 2006 of Dec. I had neumonia on my left lung & my limp noids was the size of golfball, so I laid in the hospital

13 leg elavated taken three shots a day for six months which allowed my limp noids to close up in my chest. Producing blood clots in my leg & chest & my treatment for this where from 2006 to 2009, showed on record that the clots were either gone or none active, arriving at Pike County

14 where the water is terrible, which was a major concern amongst me & the people that were sent there tried to get Preston Glenn to change the pipes, but he refused.

We had to drink & bathe in the water for however long we were incarcerated, leading to my blood clot to be enriched by the minerals in the water, which as of now

15 has put me in so much pain, after all of my sick calls & complaining with request they still put me as shower Porter & sit by while I struggle with my injury.

drys out of the cups that we bought off of the store, a dark ring forms around the mouth of the cup & at the bottom of the cup is a tar like substance, which the blood clot that I had in my right leg since 2006 was dead, until I started taking showers in that water at Pike County. The tar substance alerted not only me, but the Pod I was in Tybis Tidwell, Jamie Hawthorn, Rodney Sockwell, Forrest Felmons, & many others that was held during 2010 of that time. From being there for two months & showering, I developed soars on my right leg; also activating the blood clot from the minerals of the water. One example: I could wake up with my leg normal, use the urinal, wash my face, & brush my teeth by then my leg would be three sizes bigger with immense pain, it would only go down when I laid down my leg would return normal & this has been going on since my showers in Pike County up until now as I write this statement. While I was in pain I never thought about grievances at Pike County, but sick calls I put in & they gave me Benedryl, which did nothing for my pain. It was two weeks before I came to prison when a Doctor started me on blood thinners; by then my toes all the way up under my knee was swollen, also gave me medical hoses. At times my leg was green & had a & still has a dead odor to it, which I was laid up not able to move, so

If you retrieve the sick calls from Pike County & talk to my witnesses you will see. Far as my sick calls from Grimes Unit, I tried several times to get copys
22 & even sent three or four request to review my medical jacket, but they never let me. When I made it here Dec. 8, 2010, I was on Hoe Squad from Dec. to Feb., before I got my class 1-C. In my medical jacket I'm not supposed to stoop, crouch, bend over, or squat.
23 not lifting twenty pounds, by putting me on Hoe Squad was not right nor justified. Given the information from diagnostic & my free world history, which they refused to get from my Dr. Joseph L. Parker on three different occasions. Results of lacking
24 communication ending with me as shower Porter for two years, causing me much pain & suffering as I was told to "bend down & get these showers or you can go to the hole" I was told by C.O. England back in 2011 of April. Even when I'm not suppose to be
25 standing for long, making me bend over, stoop down, causing my ankle to bleed badly everytime I put pressure on it, Being M-2 meant I was to do no prolonged stooping, walking, or standing. I informed the classification Officer Ms. Ramsey & my
26 Supervisor Ms. James on six occassions to get a job change because of my health, they ignored me & made my injuries worse. Warden Page is also at fault, being that he was the active Warden of 2010-2011 at Grimes Unit, After my request

24 which was never given a response. On record I continued with effort to obtain an adequate evaluation of my medical condition by health care providers, but had no success. No squatting is apart of my medical limitations. My witnesses from Pike County that can tell
25 you about & how my leg was those two months are Allen Fair, Rodney Sockwell, Jamie Hawthorn, Tybis Tidwell, Forrest Felmans, Rodney & Sarah that work for Pike County Sheriff's Office. While I'm in Grimes Unit Charlie Edwards (C.O), (C.O) Gay (Cpl.) Utley, Inmates Eddie Garrett, Tyler Marks, Antonio Crittton, & many other Inmates that shared living Quarters with me, was at times hideous, with a smell, & looked green at times. Nothing was never done at all, that different pain medication they put me on didn't work for my pain at all. The only
26 thing saving my leg is the warfarin. Being forced to do work caused futher injurie to my body. In order to prevail on my claim that my work assignment was inappropriate, because of my existing medical condition, I'm showing that this ADC & Prison were deliberately showing indifference to my medical need. They compelled me to perform labor that is beyond my strength, also dangerous to my life & Health, being that the blood clot I have can go to my heart with all that bending & stooping which is unduly painful. My evidence in records
27 supports the findings that I have medical restrictions. Classifications Board Knew of my restrictions, that my work assignment was contrary to the restrictions

+ that neither official took action to rescue me from work that was dangerous to my health + in fact resulted in damage to my body, such as lower back spasms, nose bleeds, + my leg to stay swollen + bleed out of the soar on my leg. The Classification Board had responsibility for my shower duties, Ms. Ramsey had disregarded my request for reevaluation of my assignment, Although they aware of my request, leaving me to experience debilitating injuries. Therefore there is sufficient evidence for any court to find Grimes Unit, Classification Board, + Pike County liable for violating my rights. The evidence + inferences therefrom established, that I told Grimes Unit Infirmary I had medical condition restricting my ability to work + that confirmation of my physical limitations are in my files + they failed to inquire further. Whether the defendants had actual knowledge of my risk is a factual inquiry + the trier of fact found they had the requisite knowledge. These findings were not clearly erroneous. Classification Board was involved in assigning me to dangerous work without reviewing my medical history, even with me pleading + sending request for job changes about this type of work being dangerous for my health. This is sufficient to support the finding that the classification board was responsible for the injuries I received. I should not be compelled to perform labor that is beyond my strength, unhealthy, + unduly painful. I first started as a shower Porter

Feb. of 2011, which was so painful for me having to squat, bend over, by putting pressure on my ankle, strain on my back, also my left leg is longer than my right due to the 14 inch pins in my left hip. On April of 2011

¶39 I was in housing (1) Brks. (S), cleaning the shower to the best of my ability, when a sharp pain was immense on my leg, so as I stop to get relief off of my leg (Cpl.) England approached me & said "if I don't get back to work I was gone lose my class

¶40 & be thrown in the hole". The evidence & inferences therefrom also established I told (Cpl.) England that I had a medical condition restricting my ability to work & that confirmation of my physical limitations in my file & (Cpl.) England, failed to

¶41 inquire further. F requisite actual knowledge of substantial risk to my factual inquiry & may be inferred from circumstantial evidence, prison official would not escape liability. Treatment I received in prison & conditions under which I

¶42 was confined are subject to scrutiny. Which allows me medical care & reasonable measures to guarantee my safety, that they have did poorly. I was incarcerated under conditions posing substantial risk of serious harm & that the Infirmary displayed

¶43 "deliberate indifference" to my health & safety. "Subjective recklessness" standard is how the Grimes Unit Infirmary have acted with "deliberate indifference" to my health & safety of health care provision.

Towards me my injuries were worsen, by making me
#4 clean the showers without any protection on my
right leg, which has open soars on it, is proscribe
torture & other barbarous methods of punishment,
physically, & embodies broad idealistic concepts
of dignity civilized standards, of humanity &

#5 decency against, which courts must evaluate
penal measures. Government has obligation to
provide medical care for those whom it is
punishing by incarceration. Substantive limits on
what can be made unnecessary suffering on me

#6 caused by wanton infliction of pain. Infliction of
unnecessary by failure to treat my medical needs
is inconsistent with contemporary standards of
violations. Deliberate Indifference is manifested by
prison doctors in response to my needs or guards

#7 in intentionally making me do work, when I explain
my leg is hurting, which is interfering with treatment
that benefits my health, regardless of how evidenced
deliberate indifference to my injury state, cause of
action under state. Inadvertent failure to provide

#8 adequate medical care to an inmate cannot be
said to constitute a wanton infliction of unnecessary
pain on me to be repugnant to conscience of mankind
for purpose of providing cause of action under civil rights
statute. Grimes Unit Infirmary has been

#9 negligent in diagnosing or treating my medical
condition. I am stating a cognizable claim under

civil rights statute because of inadequate medical care, there are allege acts or omissions sufficiently harmful to evidence deliberate Indifference to serious medical needs. Long as I have been at this Unit,
50 there has been no ultra-sound, which lets me know where the blood clot is at, that the Doctor haven't seen me once for. Next as a precaution to lay with my leg elevated until the swollen goes down, has been
51 another no go. They never tried none of these free world remidys to keep my leg from smelling or swollen which has me in pain right a 8:45 5-2-12. I asked numerous of times to be seen for all of the health issues that ale's me, nothing was done about
52 it besides the irrelevant pain medicines they said would work which, they didn't. Ibprofine's 600, 800, Meloxicam + Tegratal, which had no affect on me at all.
Just as well when I sent sick calls in, I also put request's in for job changes. Even being here for 19 months
53 disciplinary free, my pka for help was denied everytime. By me not receiving the proper treatment, actually produce physical torture or a lingering death. Denial of medical care may result in pain + suffering, the infliction of such unnecessary suffering is inconsistent with
54 contemporary standards in modern legislation. It is but just that the prison be required to take care of me. who cannot by reason of the deprivation of my liberty, care of myself. In varying degrees of detail, the standards of medical care wasn't provided for me.

55 Dr. Nance never tried to put me in the infirmary for six months as previous Dr. did in terms of my sickness to watch my progress, but putting me on pills nor not even checking my leg once that I recall, also refusing me to be seen by a freeworld Doctor & staff. Grimes
56 Unit refuses to administer the prescribed pain killers & renders shawing care & concern for my leg requiring me to stand despite I can't work due to me being on disability in society. My complaint represents a crude attempt on Pike County / ADC. holding facility &
57 Grimes Unit Infirmary administering medical care where I'm confined. Fairly construed, my complaint alleges that my right leg started developing soars, when I started showering at Pike County 2010 of Sept. & it continued over at Grimes Unit from Dec. of 2010 all the way up to now as I write, as a result of that indifference, I have been mistreated & my condition has worsened. The indifference is allegedly manifested, not merely by the failure or refusal to diagnose & treat my leg properly, but also by the conduct of the prison staff. Making me perform work assignments which I am physically unable to perform. The medical attention that I received wasn't the best they could do & should be found guilty of negligence & malpractice. This poorly drafted complaint attempts to describe conditions which resemble those reported, but doesn't go any further. Forcefully that these facts alleged that this complaint amounts to a violation. The constitutional

question about the states duty to provide medical care for me, so therefore I'm submitting my lawsuit
61 on sheriff Preston Glenn, Pike County ADC holding facility, Warden Page, Maples, Guy, Gana, Ms. Ramsey, Classification Board, Dr. Melvin Nance M.D., Billy Cowell HSA, Corizon Inc. Medical Care Provider, Wendy Kelly Deputy Director of health Programs, Dan Burst Vice
62 President of Operations, Ray Hobbs Director & Betty Hutchinson APN, for deliberate Indifference to my health & tacit Authorization of violative practices at Grimes Unit, resulting in deterioration of a physical injury & cruel & unusual punishment. As of the above
63 mentioned date I am still suffering from a strong oder from my leg with immense pain due to a lack of adequate medical care. I have continued to suffer with unbearable pain & swollen blood clot with blood loss. In violation of my 8th Amendment.

"Relief Requested"

Wherefore, plaintiff requests that the court grant him the following relief.

- A) Issue a "Declaratory Judgement" stating that:
 - 1). The inadequate medical care by Defendants Preston Glenn, Wendy Kelly, & Dr. Melvin Nance violated the plaintiff's rights under the 8th Amend. of the United States Constitution & constituted negligence under state law.
- B) Issue an "injunction" ordering the Defendants or their agents to:
 - 1). Immediately arrange for an physical procedure to be conducted on the plaintiff, & follow up with any prescribed treatment.
 - 2). Award "Compensatory Damages" in the following amounts:
 - 1). \$1,000,000.00 against Defendant Preston Glenn & Pike County, for the physical & emotional injury sustained as a result of Deliberate Indifference.
 - 2). \$1,000,000.00 against Defendant Dr. M. Nance for the physical & emotional injuries sustained as a result of "Deliberate Indifference".
 - 3). \$1,000,000.00 against Defendant Wendy Kelly for the physical & emotional injuries sustained as a result of Deliberate Indifference.
 - C) Award punitive damages in the following amounts: \$3,000,000.00
I declare under penalty of perjury (18 U.S.C. 1621) that the foregoing is "true" & "correct". Executed on this 2nd day of May 2012.

Respectfully Submitted.

Dwight C. Hopson 1st D. Hopson

Dwight C. Hopson #148416Z

Grimes Unit

300 Correction Drive

Newport, AR 72112

5-4-12

UNIT LEVEL GRIEVANCE FORM (Attachment 1)Unit/Center Grimes

FOR OFFICE USE ONLY

Name Dwight Haasen

GRV. # _____

ADC# 143-162 Brks # 9 Job Assignment House Worker

Date Received: _____

GRV. Code #: _____

5-2-12 (Date) STEP ONE: Informal Resolution

5-3-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I am in need medicalprovision + attention as soon as possible please help me

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): I would like to get a responsefrom the Director or Deputy Director Wendy Kelly, about the poor
health care I have received, since I been here in 2010, which no
actions were attempted such as an ultrasound I asked for to
find out where the blood clot was at, oral pain medication, even been
taken to an freeworld Doctor all denied or replaced with unprofessional
help. My leg is in so much pain + has been having a dead smell to it
for 8 months now + nothing has been done about, so I'm submitting
this complaint against Dr. Malvin Nance M.D., Billy Cowell H.A., Corizon
Inc. Medical Care Provider, Wendy Kelly Deputy Director of health
Programs, Dan Purst Vice President of Operations, Ray Hobbs Director
+ Betty Hutchinson APN, for Deliberate Indifference to my Health
+ tacit Authorization of violative practices resulting in deterioration
of a physical injury + cruel + unusual punishment (B. Hinen.) As of the date
above mentioned date, I continue to suffer with this pain + smell due lack of medical
Care.D Haasen
Inmate Signature5-2-12
DateIf you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 5-2-12 (date), and determined to be a Medical and/or an Emergency Grievance
No (Yes or No). This form was forwarded to Medical or mental health yes (Yes or No). If yes, name of the person in that department receiving this form: _____TDA: R.H. 5-2-12 1 5-2-12
Print Staff Name (Problem Solver) ID Number Staff Signature Date ReceivedDescribe action taken to resolve complaint, including dates: _____

_____**Staff Signature & Date Returned****Inmate Signature & Date Received**

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____